

1 J. Noah Hagey, Esq. (SBN: 262331)  
[hagey@braunhagey.com](mailto:hagey@braunhagey.com)  
2 Matthew Borden, Esq. (SBN: 214323)  
[borden@braunhagey.com](mailto:borden@braunhagey.com)  
3 David H. Kwasniewski, Esq. (SBN: 281985)  
[kwasniewski@braunhagey.com](mailto:kwasniewski@braunhagey.com)  
4 H. Chelsea Tirgardoorn, Esq. (SBN: 340119)  
[tirgardoorn@braunhagey.com](mailto:tirgardoorn@braunhagey.com)  
5 Eric Schlabs, Esq. (*pro hac vice*)  
[schlabs@braunhagey.com](mailto:schlabs@braunhagey.com)  
6 BRAUNHAGEY & BORDEN LLP  
351 California Street, 10th Floor  
7 San Francisco, CA 94104  
Telephone: (415) 599-0210  
8 Facsimile: (415) 276-1808

9 ATTORNEYS FOR PLAINTIFF  
10 B&G FOODS NORTH AMERICA, INC.

11  
12 **UNITED STATES DISTRICT COURT**  
13 **EASTERN DISTRICT OF CALIFORNIA**  
14

15 B&G FOODS NORTH AMERICA, INC.,

16 Plaintiff,

17 v.

18 KIM EMBRY and ENVIRONMENTAL  
HEALTH ADVOCATES, INC., acting as  
19 enforcement representatives under California  
Proposition 65 on behalf of the State of  
20 California,

21 Defendants.  
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**Case No. 2:20-cv-00526-KJM-DB**

**B&G FOODS'S NOTICE OF MOTION  
AND MOTION TO COMPEL  
NONPARTY JOHN MEEKER, ScD TO  
COMPLY WITH SUBPOENA**

Date: March 8, 2024

Time: 10:00 AM

Magistrate Judge: Hon. Deborah Barnes  
Courtroom: 27

SAC Filed: November 23, 2022

Trial Date: None Set

**NOTICE OF MOTION**

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that on March 8, 2024 at 10:00 a.m. in Courtroom 27 of the United States District Court, Eastern District of California, located at 501 I Street, Sacramento, CA 95814, a hearing will be held on the discovery disagreement between Plaintiff B&G Foods North America, Inc. (“B&G Foods”) and Defendants Environmental Health Advocates, Inc. (“EHA”) and Kim Embry (collectively, “Defendants”). The matters for the hearing include whether Defendants’ expert witness, John Meeker, ScD, should be compelled to comply with Plaintiff’s subpoena and produce (1) documents and communications about Proposition 65 acrylamide cases, other than copies of documents produced in the underlying state court actions filed against B&G Foods, including his communications with counsel, communications mentioning Defendants, and reports prepared for those other acrylamide cases; (2) documents reflecting the quality of his opinions, including his terms and conditions of service and any reports he prepared that have been deemed inaccurate by a formal body; and (3) documents reflecting his bias, including agreements with Defendants and documents showing his compensation. This motion was originally filed in the United States District Court for the Eastern District of Michigan, but all Parties agreed to a transfer to this District.

The specifics of the parties’ dispute and the parties’ respective contentions are detailed in the forthcoming Joint Statement.

Dated: February 5, 2024

Respectfully submitted,

BRAUNHAGEY & BORDEN LLP

By: 

Matthew Borden

*Attorneys for Defendant  
B&G Foods North America, Inc.*

**MOTION TO COMPEL**

Plaintiff B&G Foods North America, Inc. (“B&G Foods”) hereby moves this Court for an order compelling Defendants’ expert witness, John Meeker, ScD, to comply with B&G Foods’s subpoena and produce (1) documents and communications about Proposition 65 acrylamide cases, other than copies of documents produced in the underlying state court actions filed against B&G Foods, including his communications with counsel, communications mentioning Defendants, and reports prepared for those other acrylamide cases; (2) documents reflecting the quality of his opinions, including his terms and conditions of service and any reports he prepared that have been deemed inaccurate by a formal body; and (3) documents reflecting his bias, including agreements with Defendants and documents showing his compensation.

The Motion is based on the forthcoming Joint Statement regarding Discovery Disagreement and supporting papers and the entire record herein.

Dated: February 5, 2024

Respectfully Submitted,

BRAUNHAGEY & BORDEN LLP

By:   
Matthew Borden

*Attorneys for Plaintiff  
B&G Foods North America, Inc.*